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Sheldon H. Foss JR.

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EXAMINER

SWARTZ, JAMIE H

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

04/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,949

Applicant(s)

FOSS ET AL.

Examiner

JAMIE H. SWARTZ

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 14, 2009 has been entered.

Status

2. This action is in response to the amendment filed on January 14, 2009. Claims 3-19 are pending. Claims 3, 5, 12, 16 are amended. No new claims were added.

3. Also, Examiner notes that, as per MPEP § 2144.03(C), the statements of Official Notice made in the art rejection have been established as admitted prior art since Applicant has not traversed the Examiner's assertions of Official Notice. Official notice now admitted prior art is taken that a withdrawal from an account was well known in the art at the time of the invention.

Response to Arguments

4. Applicant's arguments filed January 14, 2009 have been fully considered but they are not persuasive.

5. On pages 7-9 of applicant's arguments the applicant has argued that there is support for establishing payment performance requirements. The examiner respectfully disagrees and upholds the 112 1st new matter rejection from the Final Office Action dated 10/9/2008. The specific claim in question is claim 12. The amendments made to the claim on August 30, 2007 are shown underlined below:

a decision engine operable to qualify a customer for an account based at least in part on said formation data, said account option data and gaining access to the direct deposit account and to monitor payment performance activity of a customer and cause a fund extraction from the customer's direct deposit account if the customer fails to meet the established payment performance requirements

The applicant has cited certain portions of the specification where it believes support for these amendments exists. The examiner respectfully disagrees with the cited portions overcoming the 112 1st new matter rejection. Going through the claim and amending it to include what the examiner believes is in the specification would look like this:

a decision engine operable to qualify a customer for an account based at least in part on said formation data, said account option data and gaining access to the direct deposit account and to monitor payment performance activity of a customer and cause

~~a fund extraction~~ deduct the amount from the customer's direct deposit account if the customer fails to meet the established payment performance requirements.

The applicant has failed to teach "payment performance requirements" within the specification. The general assertion and the non-teaching of those specific performance requirements would lead the office to speculate what the applicant is attempting to claim by the term "payment performance requirements." The applicant may not describe a specific use in the specification and later go on to attempt to claim a broader use. The 112 1st new matter rejection is upheld.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 3, 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 3 was amended to include "with particular characteristics" the specification does not include information regarding "particular characteristics." Claim 12 includes information about establishing payment

performance requirements; the specification does not include any information regarding such requirements. Thus this is new mater.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 3-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Regarding claims 3 and 5, the phrase "with particular characteristics" renders the claim indefinite because it is unclear what the applicant is specifically referring to in regards to these particular characteristics.

11. Regarding claim 12, the phrase "cause a fund extraction from the customer's direct deposit account if the customer fails to meet the established payment performance requirements" renders the claim indefinite because it is unclear what types of payment performance requirements exist on the customer.

12. Claims 4, 6-11, and 13-15 are also rejected as being dependent on a previously rejected claim.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kjonaas et al. (US 20010007332 A1) in view of Lawlor et al. (US 6202054 B1).

15. Regarding claim 3, Kjonaas teaches creating a funded financial account with particular characteristics, wherein the funded financial account is associated with a particular customer and the step of creating the funded financial account (§ 45-48). Kjonaas teaches qualifying the particular customer based on received information pertaining to the customer in view of a risk analysis based on this received information and underwriting criteria, the qualification of the particular customer being an indication that the customer satisfies risk analysis and underwriting criteria commensurate with the funded financial account (§ 45-48). Kjonaas teaches receiving funds from the particular customer (§ 49). Kjonaas teaches depositing the funds received from the particular customer into the funded financial account (§ 49). Kjonaas teaches issuing a transaction card, the transaction card being operable to be used in financial transactions and is associated with the funded financial account (§ 48). Kjonaas does not specifically teach receiving a financial request and clearing a financial request. However, Lawlor teaches receiving a financial transaction request based on the use of the transaction card and clearing the financial transaction utilizing the funded financial account (col. 17, lines 37-

67, col. 19, lines 21-67). Kjonaas teaches the creating of a financial account. Lawlor teaches the specific uses of a created financial account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kjonaas to include the details of the actual physical use of the card associated with the account. The card taught in Kjonaas has the capability of purchasing items. It is well known in the art after the purchase of an item for the transaction to be cleared.

16. Regarding claim 4, Kjonaas teaches direct deposit accounts (§ 11). Kjonaas does not specifically teach gaining access to the account and extracting funds. However, Lawlor teaches gaining access to a direct deposit account of the particular customer; and extracting the funds from the direct deposit account (col. 7, lines 33-46). Kjonaas teaches the creating of a financial account. Lawlor teaches the specific uses of a created financial account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kjonaas to include the details of gaining access to a direct deposit account and removing funds. A direct deposit account is a well known type of financial account. Upon completion of a transaction funds clear from the financial account associated with the transaction.

17. Regarding claim 6, Kjonaas teaches direct deposit accounts (§ 11). Kjonaas does not specifically teach gaining access to the account and extracting funds. However, Lawlor teaches gaining access to a direct deposit account of the particular customer; and extracting the funds from the direct deposit account (col. 7, lines 33-46).

Kjonaas teaches the creating of a financial account. Lawlor teaches the specific uses of a created financial account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kjonaas to include the details of gaining access to a direct deposit account and removing funds. A direct deposit account is a well known type of financial account. Upon completion of a transaction funds clear from the financial account associated with the transaction. The combination of Kjonaas and Lawlor doesn't specifically teach transferring funds from one account to another. However, Fulton teaches extracting funds from an account and depositing the funds received into a funded financial account (col. 7, lines 34-50). Kjonaas teaches the creating of a financial account. Lawlor teaches the specific uses of a created financial account. Fulton teaches accessing an account and conducting a transaction. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kjonaas who teaches the creation of a financial account and Lawlor who teaches uses of the specific account as well as the use of direct deposit with the electronic transferring of funds from one account to another. Electronic transferring of funds allows the user the ability to transfer money without having to physically go to a banking location. Further, upon creation of a new account the user would eventually require funds to be put in that account. Taking money from a preexisting account with funds available allows the owner a quicker and easier access to their new account as well as to their funds.

18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kjonaas et al. (US 20010007332 A1) in view of Lawlor et al. (US 6202054 B1) in further view of Fulton et al. (US 6182052 B1) in further view of Vasic (US 20010034676 A1).

19. Regarding claim 5, Kjonaas teaches creating a funded financial account with particular characteristics, wherein the funded financial account is associated with a particular customer and the step of creating the funded financial account (§§ 45-48). Kjonaas teaches qualifying the particular customer based on received information pertaining to the customer in view of a risk analysis based on this received information and underwriting criteria, the qualification of the particular customer being an indication that the customer satisfies risk analysis and underwriting criteria commensurate with the funded financial account (§§ 45-48). Kjonaas teaches issuing a transaction card, the transaction card being operable to be used in financial transactions and is associated with the funded financial account (§§ 48). Kjonaas does not specifically teach receiving a financial request and clearing a financial request. However, Lawlor teaches receiving a financial transaction request based on the use of the transaction card and clearing the financial transaction utilizing the funded financial account (col. 17, lines 37-67, col. 19, lines 21-67). Lawlor teaches receiving funds from the particular customer by gaining access to a direct deposit account of the particular customer; and extracting the funds from the direct deposit account (col. 17, lines 37-67, col. 19, lines 21-67). Kjonaas teaches the creating of a financial account. Lawlor teaches the specific uses of a created financial account. It would have been obvious to one of ordinary skill in the art

at the time of the invention to modify Kjonaas to include the details of the actual physical use of the card associated with the account. The card taught in Kjonaas has the capability of purchasing items. It is well known in the art after the purchase of an item for the transaction to be cleared. Kjonaas teaches direct deposit accounts (¶ 11). Kjonaas does not specifically teach gaining access to the account and extracting funds. However, Lawlor teaches gaining access to a direct deposit account of the particular customer and extracting the funds from the direct deposit account (col. 7, lines 33-46). Kjonaas teaches the creating of a financial account. Lawlor teaches the specific uses of a created financial account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kjonaas to include the details of gaining access to a direct deposit account and removing funds. A direct deposit account is a well known type of financial account. Upon completion of a transaction funds clear from the financial account associated with the transaction. The combination of Kjonaas and Lawlor doesn't specifically teach transferring funds from one account to another. However, Fulton teaches extracting funds from an account and depositing the funds received into a funded financial account (col. 7, lines 34-50). Kjonaas teaches the creating of a financial account. Lawlor teaches the specific uses of a created financial account. Fulton teaches accessing an account and conducting a transaction. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kjonaas who teaches the creation of a financial account and Lawlor who teaches uses of the specific account as well as the use of direct deposit with the electronic transferring of funds from one account to another. Electronic transferring of funds allows the user the

ability to transfer money without having to physically go to a banking location. Further, upon creation of a new account the user would eventually require funds to be put in that account. Taking money from a preexisting account with funds available allows the owner a quicker and easier access to their new account as well as to their funds. The combination of Kjonaas, Lawlor, and Fulton do not specifically teach line of credit. However, Vasic teaches providing a line of credit that can be drawn against by the particular customer (§ 24). Vasic teaches establishing payment performance requirements for the line of credit (§ 28, 50 - 67). Vasic teaches extracting funds from the direct deposit account to cover an outstanding balance if the particular customer fails to meet the payment performance requirements (§ 28, 50 - 67). Kjonaas teaches a full service virtual bank to a customer and enables transactional engagement, remotely, on a demand basis at high levels of availability, preferably, seven days a week, 24 hours a day. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource, which may be accomplished by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kjonaas to include the details of a line of credit. A line of credit denotes a limit of credit extended by a bank to a customer. It allows a customer to borrow money they don't have at a lender set rate. As long as the borrower is faithful in paying back the money, it is a win-win situation for all parties involved. The card disclosed by Kjonaas has a limit, which is the amount available in the individuals account. When involved in any repayments or credit, performance is closely monitored and requirements are always placed on repayment.

Secure credit cards existed during the time of the invention. Those cards allow for the purchase of a "credit card" with a limit defined by the amount put on the card, just as Kjonaas put a value in their account.

20. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kjonaas et al. (US 20010007332 A1) in view of Lawlor et al. (US 6202054 B1) in further view of Liebermann (US 7287009 B1).

21. Regarding claim 7, Kjonaas teaches depositing funds into an account. Kjonaas doesn't specifically teach receiving the funds from a point of sale terminal. However, Liebermann teaches receiving funds from the particular customer at a point of sale terminal; and depositing the funds received from the particular customer into the funded financial account (col. 9, line 33—col. 10, line 7). Kjonaas teaches a remote interactive point access financial and information system implemented to provide an integrated platform of service. Liebermann teaches a way of carrying out personal and business transactions, such as financial transactions via a remote interactive point. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kjonaas to teach a point of sale terminal. The use of a point of sale terminal allows the customer more access and a more convenient way to access their money.

22. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kjonaas et al. (US 20010007332 A1) in view of Lawlor et al. (US 6202054 B1) in further view of

Liebermann (US 7287009 B1) in further view of INGdirect.com (As viewed through web.archive.org October 10, 2002).

23. Regarding claim 8, Kjonaas teaches wherein the funded financial account is associated with a particular customer and the step of creating the funded financial account. Kjonaas does not teach receiving and depositing funds by mail. However, INGdirect.com teaches receiving funds from the particular customer through the mail (pg. 1-11). INGdirect.com teaches depositing the funds received from the particular customer into the funded financial account (pg. 1-11). Kjonaas teaches the creation of a new account including receiving funds. INGdirect.com is a bank and discloses different types of financial accounts, which are available through them. It would have been obvious to modify Kjonaas to include the details of mailing in the deposit because mailing in money to be added (deposited) the account allows for financial companies without physical buildings to offer deposit services to their customers. Even a company with physical buildings can allow their customers ease of use by allowing them to mail in their deposits rather than standing in line or having them bend their schedules around banking hours. It also adds an extra service aspect as mailing checks allows for customers who may own homes in more than one state to keep and maintain their accounts in one state.

24. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kjonaas et al. (US 20010007332 A1) in view of Lawlor et al. (US 6202054 B1) in further view of Fulton et al. (US 6182052 B1).

25. Regarding claim 9, Kjonaas teaches creating a funded financial account with particular characteristics, wherein the funded financial account is associated with a particular customer and the step of creating the funded financial account (§¶ 45-48). Kjonaas teaches direct deposit accounts (§¶ 11). Kjonaas does not specifically teach gaining access to the account and extracting funds. However, Lawlor teaches gaining access to a direct deposit account of the particular customer and extracting the funds from the direct deposit account (col. 7, lines 33-46). Kjonaas teaches the creating of a financial account. Lawlor teaches the specific uses of a created financial account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kjonaas to include the details of gaining access to a direct deposit account and removing funds. A direct deposit account is a well known type of financial account. Upon completion of a transaction funds clear from the financial account associated with the transaction. The combination of Kjonaas and Lawlor doesn't specifically teach transferring funds from one account to another. However, Fulton teaches extracting funds from an account and depositing the funds received into a funded financial account (col. 7, lines 34-50). Kjonaas teaches the creating of a financial account. Lawlor teaches the specific uses of a created financial account. Fulton teaches accessing an account and conducting a transaction. It would have been obvious to one of ordinary

skill in the art at the time of the invention to modify Kjonaas who teaches the creation of a financial account and Lawlor who teaches uses of the specific account as well as the use of direct deposit with the electronic transferring of funds from one account to another. Electronic transferring of funds allows the user the ability to transfer money without having to physically go to a banking location. Further, upon creation of a new account the user would eventually require funds to be put in that account. Taking money from a preexisting account with funds available allows the owner a quicker and easier access to their new account as well as to their funds.

26. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kjonaas et al. (US 20010007332 A1) in view of Lawlor et al. (US 6202054 B1) in further view of Fulton et al. (US 6182052 B1) in further view of Vasic (US 20010034676 A1).

27. Regarding claim 10, Kjonaas teaches creating a funded financial account with particular characteristics, wherein the funded financial account is associated with a particular customer and the step of creating the funded financial account (¶¶ 45-48). Kjonaas teaches direct deposit accounts (¶¶ 11). Kjonaas does not specifically teach gaining access to the account and extracting funds. However, Lawlor teaches gaining access to a direct deposit account of the particular customer and extracting the funds from the direct deposit account (col. 7, lines 33-46). Kjonaas teaches the creating of a financial account. Lawlor teaches the specific uses of a created financial account. It would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Kjonaas to include the details of gaining access to a direct deposit account and removing funds. A direct deposit account is a well known type of financial account. Upon completion of a transaction funds clear from the financial account associated with the transaction. Kjonaas does not teach a line of credit or extracting funds from the direct deposit account to cover an outstanding balance. However, Vasic teaches providing a line of credit that can be drawn against by the particular customer (§ 28, 31, 51, 53, 60). Vasic teaches establishing payment performance requirements for the line of credit (§ 28, 31, 51, 53, 60). Vasic teaches extracting funds from the direct deposit account to cover an outstanding balance if the particular customer fails to meet the payment performance requirements (§ 24- 49). Kjonaas teaches a full service virtual bank to a customer and enables transactional engagement, remotely, on a demand basis at high levels of availability, preferably, seven days a week, 24 hours a day. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource, which may be accomplished by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kjonaas to include the details of a line of credit. A line of credit denotes a limit of credit extended by a bank to a customer. It allows a customer to borrow money they don't have at a lender set rate. As long as the borrower is faithful in paying back the money, it is a win-win situation for all parties involved. The card disclosed by Kjonaas has a limit, which is the amount available in the individuals account. When involved in any repayments or credit, performance is closely monitored and requirements are always placed on repayment.

Secure credit cards existed during the time of the invention. Those cards allow for the purchase of a "credit card" with a limit defined by the amount put on the card, just as Kjonaas put a value in their account.

28. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kjonaas et al. (US 20010007332 A1) in view of Lawlor et al. (US 6202054 B1) in further view of Fulton et al. (US 6182052 B1) in further view of Vasic (US 20010034676 A1) in further view of Risafi et al. (US 6473500 B1).

29. Regarding claim 11, Kjonaas teaches a debit and a credit card but does not specifically teach that the card is branded. However, Risafi teaches *issuing a branded transaction card* (col. 10, line 32 – col. 11, line 42). Branded debit and credit cards were well known in the art at the time of the invention.

30. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US 5866889 A) in view of Vasic (US 20010034676 A1) in further view of Official Notice now admitted prior art in further view of Kjonaas et al. (US 20010007332 A1).

31. Regarding claim 12, Weiss teaches *a data collection component, wherein said data collection component is operable receive account option data, account formation data and an initial deposit* (col. 4, line 59 – col. 7, line 5, col. 8, line 66 – col. 9, line 22,

col. 12, line 6 – col. 13, line 49, col. 14, line 60 – col. 15, line 2, col. 16, lines 12 - 19).

Weiss teaches *a decision engine operable to qualify a customer for an account based at least in part on said formation data and said account option data* (col. 13, lines 5 - 49).

Weiss teaches *a transactional processing component operable to receive transactions initiated with the transaction card and clear the transactions against the account* (col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23). Weiss teaches wherein the initial deposit being obtained by gaining access to a direct deposit account of the particular customer (col. 15, line 29 - col. 16, line 44). Official notice now admitted prior art is taken that a withdrawal from an account was well known in the art at the time of the invention. Weiss teaches *an account creation component operable to establish an account for the qualified customer based at least in part on the account option data and account formation data and to create a transaction card* (col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23, col. 19, lines 9-60). Weiss however does not teach a checkless checking account. However, Vasic teaches *a checkless checking account* (§ 24- 47). Vasic teaches *based at least in part on the account formation data and the access to the direct deposit account, establishing payment performance requirements for the line of credit* (§ 28, 50 - 67). Vasic teaches *extracting funds from the direct deposit account to cover an outstanding balance if the particular customer fails to meet the payment performance requirements* (§ 28, 50 - 67). Vasic teaches *providing a line of credit that can be drawn against through the use of the transaction card* (§ 12, 24, 39-50). Weiss teaches a banking system and method for opening an account. Weiss discloses full investment capability, full banking capability, bill payment capability,

lending capability--basically everything a customer would financially need to do. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource, which may be accomplished, by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss to include the details of a checkless checking account because a checkless checking account saves money and provides a greater efficiency in the banking world. Payroll cards, which can be used at automatic teller machines, have existed for over 10 years. They were developed to market to corporations with large numbers of unbanked employees or highly decentralized operations. It reduces the need to produce checks and send them by overnight delivery to various locations. Weiss does not specifically teach a risk analysis performed on the formation data. However, Kjonaas teaches a risk analysis (§§ 45-49). Both Weiss and Kjonaas teach the setting up of financial accounts. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss to include the details of a risk analysis. A risk analysis allows the financial institution the ability to identify any problems that the customer may have currently or in the future. It allows the financial institution the ability to protect themselves as well as investors from possible fraud.

32. Regarding claim 13, Weiss teaches *wherein the initial deposit is placed into a stored value component* (col. 16, lines 12 – 19).

33. Regarding claim 14, Weiss teaches *wherein said account further comprises an overdraft component, wherein said overdraft component is coupled to said stored value component* (col. 19, line 39 – col. 20, line 8).

34. Regarding claim 15, Weiss teaches *wherein said overdraft component has a value that is determined by said decision engine* (col. 19, line 39 – col. 20, line 8).

35. Claims 16-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US 5866889 A) in view of Vasic (US 20010034676 A1) in further view of Palm Beach Post (1999) in further view of Kjonaas et al. (US 20010007332 A1).

36. Regarding claim 16, Weiss teaches *receiving account option data* (col. 10, line 51 – col. 11, line 64, col. 12, line 63 – col. 13, line 26, col. 18, lines 34 – 55, col. 19, lines 1 – 29). Weiss teaches *receiving account formation data, wherein said account formation data is based upon said account option data* (col. 9, lines 48 – 61, col. 13, line 5 – col. 14, line 17). Weiss teaches *determining an account type based at least in part upon said account option data and said account formation data* (col. 10, line 51 – col. 11, line 64, col. 12, line 63 – col. 13, line 26, col. 18, lines 34 – 55, col. 19, lines 1 – 29). Weiss teaches creating an account, wherein said account is based upon said account type (col. 10, line 51 – col. 11, line 64, col. 12, line 63 – col. 13, line 26, col. 18, lines 34 – 55, col. 19, lines 1 – 29). Weiss teaches *receiving funds into a stored value component* (col. 4, line 33 – col. 6, line 44, col. 7, line 49 – col. 8, line 34). Weiss

teaches receiving funds and a direct deposit account (col. 4, line 33 – col. 6, line 44, col. 7, line 49 – col. 8, line 34). Weiss teaches *providing an account access card, wherein said access card is based upon said account option data and has an associated value based upon said stored value component* (col. 4, line 11 – col. 7, line 10, col. 8, line 55 – col. 10, line 23). Weiss teaches overdraft protection (col. 19, line 14-60). Wherein the individual is required to qualify for the service. Overdraft protection was old and well known in the art at the time of the invention to be a feature offered on account for when the person goes over the amount in their account, that the bank would still pay the transaction even though the account is overdrawn. Palm Beach Post teaches receiving a transaction request with a value that exceeds the amount of funds available in the stored value component of the account (pg. 1). Palm Beach Post also teaches authorizing the clearing of the transaction (pg. 1). Weiss does not teach a checkless checking account. However, Vasic *teaches a checkless checking account* (§ 24- 47). Vasic teaches *establishing payment performance requirements for the line of credit* (§ 28, 50 - 67). Weiss teaches a banking system and method for opening an account. Weiss discloses full investment capability, full banking capability, bill payment capability, lending capability--basically everything a customer would financially need to do. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource which may be accomplished by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss to include the details of a checkless checking account because a checkless checking account saves

money and provides greater efficiency in the banking world. By adding a value to an access card, their pay can be accessed by the employee the second the money hits the account, rather than having to get their paycheck and having to cash the paycheck. Payroll cards, which can be used at automatic teller machines have existed for over 10 years. They were developed to market to corporations with large numbers of unbanked employees or highly decentralized operations. It reduces the need to produce checks and send them by overnight delivery to various locations. Weiss does not specifically teach a risk analysis performed on the formation data. However, Kjonaas teaches a risk analysis (¶ 45-49). Both Weiss and Kjonaas teach the setting up of financial accounts. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss to include the details of a risk analysis. A risk analysis allows the financial institution the ability to identify any problems that the customer may have currently or in the future. It allows the financial institution the ability to protect themselves as well as investors from possible fraud.

37. Regarding claim 17, Weiss teaches *a stored value component may be modified by the step of receiving additional funds* (col. 4, line 33 – col. 6, line 44, col. 7, line 49 – col. 8, line 34).

38. Regarding claim 19, Weiss teaches *receiving a transaction request for a financial transaction utilizing the account access card* (col. 1, lines 42 – 51, col. 6, lines 15 – 30, col. 8, lines 34 – 50, col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23, col.

19, lines 9-60). Weiss teaches *clearing the transaction* (col. 1, lines 42 – 51, col. 6, lines 15 – 30, col. 8, lines 34 – 50, col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23, col. 19, lines 9-60).

39. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US 5866889 A) and Vasic (US 20010034676 A1) in further view of Palm Beach Post (1999) in further view of Official Notice now admitted prior art in further view of Kjonaas et al. (US 20010007332 A1).

40. Regarding claim 18, Weiss teaches receiving a transaction request for a cash withdrawal from an authorized automated teller machine utilizing the account access card (col. 1, lines 42 – 51, col. 6, lines 15 – 30, col. 8, lines 34 – 50). Weiss teaches clearing the transaction (col. 1, lines 42 – 51, col. 8, lines 34 – 50). Weiss does not teach rejecting any other type of transaction. Official notice now admitted prior art is taken that it was old and well known in the art at the time of the invention if a customer attempts to try to do “any other” transaction that is not supported by the automatic teller machine, the automatic teller machine would reject the transaction.

41. Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE H. SWARTZ whose telephone number is (571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. S./
Examiner, Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694